

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In Re:  
JOSEPH A GEMIGNANI SR  
BARBARA A GEMIGNANI

Chapter 13  
Case No. 2021-25588-KMP-13

Debtors

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**NOTICE OF MOTION AND MOTION TO MODIFY CONFIRMED  
CHAPTER 13 PLAN ON LIMITED NOTICE**

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Pursuant to 11 U.S.C. §1329(a)(1) and Fed. R. Bank. P. 3015(h) the trustee moves to (1) modify Part 5.1 of the confirmed chapter 13 plan to increase the amount being paid to allowed nonpriority unsecured claims and (2) limit notice of that motion.

**MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN**

The trustee moves to modify Part 5.1 of the confirmed chapter 13 plan to increase payments to holders of allowed nonpriority unsecured claims because the plan is sufficiently funded to pay the proposed increased amount without any change in payments or plan duration. Accordingly, the trustee requests the following be added to Part 5.1 of the confirmed plan as follows:

**5.1 Nonpriority unsecured claims not separately classified.**

In addition to funds already provided, the trustee will pay holders of allowed nonpriority unsecured claims any funds remaining after paying other disbursements made in accordance with part 7.2 of the plan until either the applicable commitment period as provided in part 2.1 is reached or those claimholders are paid in full, whichever comes first.

**Rebecca R. Garcia**  
Chapter 13 Standing Trustee  
P O Box 3170  
Oshkosh, WI 54903-3170  
920.231.2150  
Fax 920.231.5713  
E-mail [info@ch13oshkosh.com](mailto:info@ch13oshkosh.com)

The trustee requests no other modifications to the confirmed plan.

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## **MOTION TO LIMIT NOTICE**

The trustee's motion to modify the confirmed plan is not expected to have an adverse effect on any party in interest or creditor. Accordingly, the trustee requests that the court limit notice of this motion to those parties who receive automated electronic notice through the court's ECF system and the debtor by first class mail. **Any objection to this motion must be filed no later than 21 days after the date on which this motion is filed.**

Dated the 10th day of June 2025.

/s/ Jennifer K. Marchinowski  
Staff Attorney

## **NOTICE OF MOTION**

**To all creditors and parties in interest that receive electronic notice: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this motion modifying the confirmed plan, then on or before **21 days after the date on which this motion is filed**, you or your attorney must file an objection with:

Clerk, United States Bankruptcy Court  
517 East Wisconsin Avenue  
Room 126  
Milwaukee, WI 53202

in time for its receipt by 21 days after the date of filing of this motion.

**CERTIFICATE OF SERVICE**

Alisa Anderson, certifies that she is an employee in the office of Rebecca R. Garcia, Standing Chapter 13 Trustee, P.O. Box 3170, Oshkosh, WI 54903-3170 and on the 10th day of June 2025, a copy of the trustee's motion to modify chapter 13 plan was mailed in a first class postage paid envelope to the following:

JOSEPH A GEMIGNANI SR  
BARBARA A GEMIGNANI  
500 W BRADLEY ROAD APT 234C  
FOX POINT, WI, 53217

In addition, parties in interest who accept electronic service received a copy via the Court's CM/ECF system.

Dated the 10th day of June 2025.

/s/ Alisa Anderson  
Alisa Anderson